

The Planning Inspectorate
Room 4/04
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: LT/2019/124718/01-L01
Your ref: A38 NSIP
Date: 4 November 2019

Dear Sir/Madam

A38 DERBY JUNCTIONS - WRITTEN QUESTIONS FROM INSPECTOR A38 DERBY JUNCTIONS

Dear Sirs,

Thank you for the opportunity to respond to your first written questions document. Our response is detailed below and references the section numbers provided by the Planning Inspectorate.

Environment Agency Response

1.3 – The Environment Agency has provided our protected provisions and are awaiting further discussion with the applicant. We are still waiting for confirmation on the specifics of what they propose to disapply.

1.5 - We welcome being included within the wording for requirements 3 (CEMP), 8 (Remediation) and 14 (Flood Compensation Scheme). However, requirement 13 is for a surface water and foul drainage scheme to be agreed. The Environment Agency is no longer the relevant body to review surface water drainage, and since 2015, this responsibility has fallen to the Lead Local Flood Authority (LLFA). The foul drainage element of this requirement would also be looked at by the sewerage undertaker for this area, in this case Severn Trent Water. Therefore we would not expect to be included within the discharge of this requirement. We would be happy to see the HEMP as well if this is included on any updated requirements. Within our SoCG with the applicant it has been agreed that a verification report requirement will be included which we would expect to see at the next update of the draft DCO.

1.11 - The Environment Agency has provided our protected provisions and are awaiting further discussion with the applicant.

1.12 – The Environment Agency is satisfied that the applicant is aware of all permits and consents that would be required. We are not aware of any applications for said permits and consents as of 30th October 2019, and therefore have no further comments to make on the likelihood of these being granted.

1.13 – c) Without information provided within an application for a permit/ licence it is not possible to determine whether such a permit/ licence would be granted.

Environment Agency
Trent Side North, West Bridgford, Nottingham, NG2 5FA.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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3.4 – No comments.

3.10 – The Environment Agency are generally satisfied with how matters related to our remit are proposed to be mitigated. The only outstanding area for discussion relates to groundwater and contaminated land, and we have provided an updated response to new information that was provided on the 9th October 2019, within our written representation response. Whilst this is a matter of ongoing discussion, it is covered within requirement 8 of the dDCO.

5.13 – This is a matter for the Local Authority and we have no further comments to add.

3.12 – Regarding point e) of this question we would like to see the Construction Environmental Management Plan (CEMP), Pollution Incident Control Plan and Water Management Plan.

5.21 – This is a matter for the Local Authority and we have no further comments to add.

5.24 – This is a matter for the Local Authority and we have no further comments to add.

5.35 – This is a matter for the Local Authority and we have no further comments to add.

7.11 – The location of the flood compensation was determined by the applicant and the Environment Agency have undertaken a number of reviews of the model for this proposal and are satisfied that the development would not increase flood risk at this site or to others.

7.15 – As of the 30th October 2019, the Environment Agency is not aware of any permit of consent applications from the applicant. The applicant will be best placed to respond on their proposed plans for this matter.

7.16 - The Environment Agency are satisfied that the water framework directive has been addressed through the WFD assessments for the respective waterbodies.

7.17 - We are aware that there is a designated fund that has to the potential to provide/deliver enhancements at sites outside of the A38 scheme. We would welcome being included in these discussions as and when they progress.

8.1 – We have no further comments to make on this section. A number of these matters have been agreed through the draft Statement of Common Ground.

8.2 – We have no further comments to make on this section. A number of these matters have been agreed through the draft Statement of Common Ground.

8.3 – We have no further comments to make on this section. A number of these matters have been agreed through the draft Statement of Common Ground.

8.4 – We have no further comments to make on this section. A number of these matters have been agreed through the draft Statement of Common Ground.

8.5 – We have no further comments to make on this section. A number of these matters have been agreed through the draft Statement of Common Ground.

8.6 – We were satisfied with the information provided within chapter 8 of the Environmental Statement. For matters within our remit the information indicates that

there would be no net loss. We will leave the explanation of their approach to no net loss to be explained by the applicant.

8.7 – We have no further comments to make on this section. A number of these matters have been agreed through the draft Statement of Common Ground.

8.10 - Standard pollution prevention control and best practice measures should be sufficient but the EA would expect a site meeting to be held shortly prior to works starting in order to agree the site specific pollution prevention measures and monitoring required.

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8.14 - Standard pollution prevention control and best practice measures should be sufficient but the EA would expect a site meeting to be held prior to works starting in order to agree the site specific pollution prevention measures and monitoring required.

8.21 - We have no comments to make on matters relating to bats.

8.22 – We are satisfied with biosecurity and have agreed this through the draft SoCG.

8.24 – No further comments.

12.6 – The Environment Agency don't make any comment on whether the carbon footprint of the proposed development is "unnecessarily high", however we would encourage any opportunities for carbon reduction or lower carbon impact materials to be used within the scheme. Concrete is a carbon intensive material, and has a large carbon footprint. It is likely to be used extensively within the scheme. There are opportunities to use lower carbon impact (or even carbon beneficial) materials, including concrete in the scheme. Specifically in relation to carbon negative concrete; there are manufacturing processes which produce this from waste materials (eg Air Pollution Control Residues (APCr), cement kiln dusts or steel slags). These materials are reacted with carbon dioxide (extracted from the atmosphere, or anthropogenic carbon emission sources) to form solid carbonates which can be used to produce concrete. The process is carbon negative meaning that it removes CO₂ from the atmosphere. The process is also beneficial in terms of using waste as a resource.

12.10 – In terms of the waste infrastructure in the area (item 12.10), and its capacity to deal with any waste arisings from this project, the best source of information would be the waste local plan produced jointly by Derbyshire County and Derby City Councils. This will have identified existing capacity and forecast capacity requirements / gaps based upon projected growth in arisings. That plan would have used data from ourselves, as well as other sources. Therefore Derbyshire County Council and Derby City Council will be best placed to answer this question

12.15 – No further comments.

13.68 – The matter of permits and consents has already been highlighted. Again we highlight that we are waiting on the applicant to start the application process for these permits and consents before we can provide any comments on these.

Yours faithfully

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Planning Specialist

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End